

949
16
*The Mischief of delaying Sentence against an
Evil Work;*

IN A

694.9.20
16

S E R M O N

Preach'd before the

Lord Mayor

AND

Magistracy of Dublin,

IN

St. Michael's-Church, Dublin,

December. 24. 1706.

On Eccles. 8. 11.

By his GRACE

^{King}
WILLIAM ^{King} Lord Archbishop of Dublin.

L O N D O N:

Printed for B. Barker at the Wh. & Hart, and C. King at the
Judges-head in Westminster-Hall. 1707.

The Mischief of delaying Sentence against an
Evil Work;

IN A
S E R M O N

Preach'd before the

Lord Mayor

AND

Magistracy of Dublin,



St. Michael's-Church, Dublin.

December. 24. 1706.

On Eccles. 8. 11.

By his GRACE

WILLIAM Lord Archbishop of Dublin.

L O N D O N :

Printed for B. Barker at the White-Hart, and C. Key at the
Judges-head in Westminster-Hall. 1707.

TO THE

Right Honourable

Benj. Burton, Esq;

Lord Mayor of Dublin.

My Lord,

THE great Zeal and Application with which your Lordship has attended all the parts of your Office, since you came into it, have given great Life to the pious Endeavours of such as concern themselves in the suppression of Vice; and entitle your Lordship to a publick Acknowledgment. I press the Duty of Magistrates in this Sermon, with more chearfulness, as believing it not so much an Exhortation to your Lordship, as an Approbation of what you and your Predecessors had before practised: I persuade my self that God will bless you with Success in the Methods you have begun; and that your Lordship's Brethren and Assistants will heartily concur with you in prosecuting the same. I am a Witness of their good Inclinations, and do hope that the Earnestness with which your Lordship and they desire to see this Sermon in Print, is an Indication that you unanimously approve the design of it, and a Pledge

The Dedication.

that you will pursue it. I did observe that it was heard with Attention, and I can ascribe it to no other Cause, but the Auditory's being preingaged in favour of the Subject handled in it.

I put it into your Lordship's hands and theirs, as a mark of the sincere Affection I bear your City and Persons. And I beseech God to make us all zealous for his Glory in our several Stations, and to enable us to make use of the Opportunities and Power with which his Providence has entrusted us, to the rooting out of every evil Work, and to the Encouragement of true Holiness, in which you may assure your selves of the hearty Concurrence of,

My Lord,

Your Lordship's Affectionate Pastor,

and most humble Servant,

William Dublin.

Eccles. viii. 11.

Because Sentence against an evil Work is not executed speedily, therefore the Heart of the Sons of Men is fully set in them to do Evil.

I. **S**olomon in this Book takes into consideration the Business, Concerns, and Designs of Men. And shews them all to be Vain and Insignificant, except the Fear of GOD and the Duties of Religion. He shews us, that those only can lead us with Comfort thro' a Life imbibtered with so many Follies and Hardships, as unavoidably attend all our Enjoyments here. Thus he concludes Chap. 12. 13. *Let us hear the Conclusion of the whole matter. Fear God and keep his Commandments, for this is the whole Duty of Man.* If you look into your Bibles, you may observe that the word *Duty* is in a different Print from the rest, to signifie to us, that it is not in the Original, but is put in by the Translators, *some such Word seeming necessary in our Language, to expresse the Sense more clearly*; but the Hebrew has it thus, *for this is the whole of Man.* That is, not only his whole *Duty*, but likewise his whole *Business*, his whole *Comfort*, *Concern* and *Hope*: The Author passes thro' every state of Men, every Affair and Enjoyment they have in this Life, and shews them to be insufficient, without Religion, to yield us the Satisfaction and Security we desire and seek; and that when we have done all, we must flee to it to compleat our Happiness.

II. After many particulars, from which he infers this Conclusion, he in this Chapter considers the effects of Government in this World; under which are comprehended the Influence of GOD's Providence over Men, as well as of the Magistrates Power. And some things in the Chapter seem to relate to one of these, some to the other, and some to both.

As to GOD's method of Governing the World, he shews, that we are not able fully to comprehend it, and tho' we know that finally, according to the 12th Verse, *it shall be well with them that fear GOD, --- But it shall not be well with the Wicked*; Yet the Trans-

actions

actions and Occurrences of this Life are so mixed and obscured, that often the Reasons of them do not appear, and Good and Evil seem to happen alike to all, and therefore he that looks no farther than this present World, may be at a loss for sufficient Encouragement for Virtue, or Discouragement from Vice; nay, according to my Text, when he sees that GOD does not execute his Sentence speedily against an evil Work, he may be tempted to set his Heart fully on Evil.

III. And as to the Magistrates, tho they are designed to direct the World in the ways of Justice and Happiness, to punish the Wicked and reward the Good, yet he shews that they likewise are incompetent to answer that End.

Before he proceeds to the proof of this, (lest we shou'd imagine Magistrates and Government to be useless) he gives us a strict charge to Reverence them. Verse 2. *I counsel thee to keep the King's Commandment,* and that in regard of the Oath of GOD. Verse 4th. *Where the Word of a King is, there is Power, and who may say unto him, What dost thou?* When he has thus asserted the Obedience due to Governors, he then shews that notwithstanding this, their Power is ineffectual to secure us in the practice of Virtue, or to punish the exorbitancies of Vice.

For, First, They have no Power over the Minds or Souls of Men, which are the principal and prime Subjects of all our Actions. So Verse 8th, *There is no Man that has Power over the Spirit, to retain the Spirit.* So that this is exempted from the Power of Kings, and tho' they can kill the Body, yet they can't hurt the Spirit or Soul.

IV. Secondly, Even as to the Body, their Power over that is not so great as may be imagined. Verse 8th, *neither hath he Power in the Day of Death.* The Magistrate can rescue no Man from it, when Nature requires him to pay that Debt: And there is such an over-ruling Providence that governs humane Affairs, that tho' Kings seem to have the Lives of their Subjects in their Hands, yet they can't dispose of them, but as God in his Wisdom thinks fit to permit them.

V. Thirdly, It appears that the Power of Magistrates is not sufficient to secure Men in their most valuable Interests, by rewarding the Good or punishing the Evil, because, according to Verse 10th,

10th. The Wicked are buried, who had come and gone from the place of the holy, that is, they added Hypocrisie to their other Vices, frequented the House of GOD, and were received there, and when they dyed they were buried in Pomp and State, tho' they deserved the burial of an *Ass*: and notwithstanding all the Care of Magistrates, in the 4th Verse, *There be just Men unto whom it happeneth according to the work of the wicked; again, there be wicked Men to whom it happeneth according to the work of the righteous.*

Fourthly. Altho' the power of Magistrates were sufficient for the ends, for which they seem designed, yet we have no certainty that they will use that power as they ought. On the contrary they often abuse it, not only to the hurt of their Subjects, but to their own disadvantage. So ver. 9th, *There is a time wherein one man rules over another to his own hurt.*

VI. And this impotence of Governors to reward or punish according to merit, and their misapplication of their power, are reasons, why Wickedness abounds, and why Men give themselves up to it. So in my Text, *Because Sentence against an evil Work is not speedily executed, therefore the heart of the Sons of Men is fully set in them to do evil.*

I know very well, that several do refer these words to God's Patience and Forbearance towards Sinners, particularly towards Tyrants and wicked Governors, and believe the meaning to be, that because these are not immediately punished, but suffered to go on in their Sins and Oppressions, that therefore they grow bold and are harden'd in them. And I don't deny this sense to be included in the design of the Words, but not so as to exclude the Magistrates concern in punishing wicked men in general, for it is true in relation to our inferior Governors, as well as to God the supreme; that *where Sentence is not executed against an evil Work, the hearts of the Sons of men are fully set on Evil.*

If you read the whole Chapter, you will find it plainly refers to the Courts of Magistrates, as well as to the Tribunal of God, and that the delays and impediments that the Execution of Justice meets with in them, their impotence or unwillingness to punish Crimes, encourage the practice of them, as well as the patience and long forbearance of God.

The Mischief of delaying Sentence

VII. In the prosecution of my present Subject, I will confine my self to that part which concerns earthly Governors; and will endeavour first to shew you, that it is their *business and duty effectually, speedily and diligently to punish Sins.*

Secondly. That one great reason, why Wickedness abounds, is the Magistrates suffering it to go unpunished.

Thirdly. I will endeavour to discover the Obstacles that hinder the effectual punishment of Crimes by the Magistrates, and to shew by what means they may in some measure be removed.

VIII. As to the first of these (namely, That it is the duty of Magistrates effectually, diligently and speedily to punish Crimes.) 'Tis a thing so obvious in it self, that I suppose there need not many Arguments to prove it; If any Magistrate should be asked whether he thought this his Business, I do believe that he would readily acknowledge that it is. And therefore the arguments to be used on this head, ought rather to respect his Will and Affections than his Understanding. We find by experience, that tho' we convince a man that a thing is his Duty, yet that is not sufficient to perswade him to do it; for as we do many things that we ought not to do, tho' we know the obligation; so we omit many more, that we very well know and are appriz'd to be incumbent on us. Our passions, our humours, our laziness, our friends, and other motives divert our Thoughts, and occasion us as well to omit the Good we ought to do, as to do the Evil we ought not: And there is this difference between these two, that we much more easily pardon our selves for a Sin of meer omission, than for a crime of commission, and we expect a much greater indulgence from God, and find a greater from the world, in cases where we only neglect our duty, than where we transgress by a positive act; and this I take to be one reason, why it is necessary to stir up persons intrusted with power, with all possible application, and to use all arguments that may prevail with them to be active in their respective Offices. On this account it is requisite to intreat and exhort them, to beseech and press them with all the industry and eagerness, with all the art and management, whereof we are masters, to apply to their affections, to revive, if possible, their sense of the obligations that lie on them, and frequently to put them in mind, what it is they

owe

owe to God, to their Countrey, and to the Society and Community that employ them; to make them remember that the Interest of Virtue and Holiness, the temporal and eternal Welfare, not only of themselves, but of those committed to their charge, of the present and succeeding generations are at stake, and that they are answerable to the publick, if through their negligence any of these should suffer or be lost.

IX. And Secondly, This seems the more necessary, because the deference and respect, that is due to men in Authority, very oft hinder them from the advantage of so frequent monitions and reproofs, as men in other stations and business meet with. The Scripture gives us a hint of this, *Job 34. 18. Is it fit to say to a King, thou art wicked, and to Princes ye are ungodly?* and in the 4th verse of the Chapter, out of which I have taken my Text, *And who may say unto him What dost thou?* To reprove a Magistrate, or to advise him, requires a dexterity and prudence that few are Masters of, and those, that undertake it, must observe the rules of decency, and watch such opportunities and circumstances of time and place as do not frequently occur; and which is worst of all, those persons that have such opportunities, are often interested the other way, and instead of thinking themselves obliged to admonish a negligent Ruler, find their account in indulging him in his Remissness, and in covering from him the Obligations that lye on him.

X. As to publick Admonitions, they must only be general, and as the World now stands affected, it is convenient that the Persons who undertake this Task, should be of some Figure and Reputation. If a young Man come into the Pulpit, and attempt to tell the Magistrate his Duty, or exhort him with earnestness to it, tho' the Preacher perform his Office with modesty and deference to Authority, and say no more than Reason and Scripture warrant, yet such is the Nature of Man, that by reason of his Youth, and the want of external Advantages, that give weight to Mens Words, and credit to their Persons, he is often heard with prejudice, and his well meant Performance, has not all that Effect or kind Reception that it may justly deserve.

XI. I am very sensible how necessary these Considerations make it, that proper Persons in proper Circumstances should put to their

helping Hands, and that they should remember, that as the Magistrates are to answer for their own neglects, so the Ministers, (whose Office and Place it is to put those Magistrates in mind of their Duty,) are accountable for all the Mischief, that happens from the remissness or corruption of Governours: If they neglect the proper Methods to stir them up, or to warn them of what they owe to God and their Country. They are constituted Watchmen to this very purpose, as we may see from *Ezek. 3. 17. Son of Man, I have made thee a Watchman unto the House of Israel; therefore hear the words of my Mouth, and give them warning from me. Vers. 18. When I say to the Wicked thou shalt surely die; and thou givest him not warning, nor speakest to warn the Wicked from his wicked way to save his Life; the same wicked Man shall die in his Iniquity, but his Blood will I require at thine Hand.* If you read on, you will find a great deal more to the same purpose. This Obligation therefore reaches all the Ministers of GOD's Word, but more especially those, whose Circumstances and Age give their Words weight, and who are like to perform that Office with best advantage to the hearers.

XII. Now inasmuch as there is not any one thing wherein Magistrates seem more defective than in Zeal and Diligence to punish and suppress *Vice*: Let me intreat you to consider,

First. That this is the very End and Design for which Magistracy is appointed, this we learn from *St. Paul, Rom. 13. 3. For Rulers are not a terror to good Works, but to the evil. Vers. 4. If thou do that which is evil, be afraid; for he beareth not the Sword in vain, for he is the Minister of GOD, a revenger to execute Wrath upon him that doth evil. Vers. 6. For they are GOD's Ministers attending continually upon this very thing.* To put therefore a stop to Wickedness, to execute Justice on Sinners, is the very design or principal End of Rulers. The Magistrate therefore that fails in that, fails in all, he is like Salt that loses its Savour, good for nothing, but to be cast out. If then he would but consider, what is his Business, Why he is attended with Ensigns of Honour and Officers, Why Precedency and Respect are given to him, Why he is cloathed in Scarlet and Gold, and is received by all with Reverence and Submission, why he is allowed a plentiful Maintenance and endowed with

with a double Portion of Riches, he will find that all these things are not designed for his Person, as he is a meer Man, but as he is a Minister of Justice, from whom the Duty belonging to such is expected. And what is that? Why to drive away the Wicked, to protect the Good, and execute the Vengeance of GOD on the Impious. He is GOD's Minister to this purpose, he is cloathed with GOD's Authority, and is his Substitute: And judge with your selves, what answer he will make to his Master, if he fail to perform the Work, that GOD has imposed on him. If Impiety and Profaneness, if Irreligion and Blasphemy go from under his Hand with Impunity, how will he excuse himself when he comes to give an account of his Commission? He may be negligent and let these Crimes escape, to the great dishonour of his Lord, and the destruction of the publick Welfare: But let him assure himself that GOD will not neglect to punish him: He will call him to a strict Examination, where there shall be no Connivance, no Forgetfulness, no Fear or Favour to protect him, where he shall give an account to the utmost Farthing. Observe how GOD deals with the Servant that received the Talent and did not improve it. *Matth. 25. 30. Cast ye the unprofitable Servant into outer Darknes, there shall be Weeping and Gnashing of Teeth.*

And then those Magistrates that are not careful and zealous in the Execution of the Trust committed to them, in suppressing Wickedness and Impiety, are not only unprofitable, but false and treacherous Servants; and if *outer Darknes, Weeping and Gnashing of Teeth*, (the most dismal Circumstances and exquisite Torments of Body and Mind) are the Punishment of unprofitable Officers; What shall be due to those that add Treachery to their Negligence? And not only lose the improvement of their Talents, but dissipate and consume the main Stock. *O remember this, ye that forget God: Ye that think it a small matter to let Vice and Irreligion increase under your Power, when ye may prevent them, that don't execute Judgment and punish the wrong Doers. The Sword of Justice is your Talent, and if you let it lye useles in the Scabbard; if by Connivance, Sloth, Softness of Temper, Fear or Favour, you don't use it to the Purposes*

ses for which it was given you, he will treat you as his most mortal Enemies ; and execute his Vengeance against you as such, since you have neglected to execute Vengeance on those, against whom he sent you : Remember his dealing with *Saul*, whom he sent, *1 Sam. 15. 18.* with a Commission *utterly to destroy the Sinners the Amalekites, and fight against them till they be consumed.* And because he spared the best of the *Sheep and Oxen, and of the Lambs and of the Fatlings, and all that was good, and would not utterly destroy them :* God treated him as a Reprobate. Verse 26. *For thou hast rejected the Word of the LORD, and the LORD hath rejected thee from being King over Israel :* Nay, he deprived him not only of the Kingdom, but of his holy Spirit. So *1 Sam. 16. 14.* *But the Spirit of the LORD departed from Saul, and an evil Spirit from the LORD troubled him.* This is a Lesson for all Magistrates, and I pray God they may have Grace to attend it ; they are sent with the Sword in their Hands to punish *ungodly and wicked Men :* These are the *Amalekites, the Sinners, the Enemies of GOD :* and the Ministers of Justice ought to consider well how they spare such, for they may see in *Saul* what Reward they may expect for an unseasonable Lenity.

XIII. But, *Secondly,* This Work lies cross to the Humours and Inclinations of Men in general, and especially of good Men, who are most apt to be tender and backward in Punishing (as I shall shew by and by) because Severity is a force on most, and more particularly on good natur'd Men ; they can hardly persuade themselves that there can be any great hurt in Connivance at another's Sin, or that they contract a Guilt, when they shew Mercy to a Criminal ; very few condemn a King for pardoning even a Murderer, and you will hardly find any so hard hearted, but they had rather save a thousand polluted with Blood, than Murder one. If we look into the Courts of Judicature, we shall perhaps not find one in a many Years, that had his Life taken away by a legal Sentence undeservedly ; and not one that can impute his Condemnation to the Malice of the Judges : But you will find an infinite number, that escape, who yet deserve Punishment. Here then is the weak side of the Law and Magistrates : 'Tis therefore very requisite to warn and stir up all that have

have the Ministry of Justice in their Hands to be careful, diligent and zealous in the Execution of it; and the rather because very often the lenity and false Mercy that is shewed to Malefactors, is infinitely more mischievous, than a direct act of Violence and Injustice, the one destroys a Man's Life, impairs his Fortune or diminishes his Reputation; but unseasonable Connivance at Sin, first corrupts and then destroys whole Nations, and is as often punished by GOD with Severity, as Cruelty and Oppression. We have a plain Instance of this, in GOD's dealing with *Eli*, he indulged his Sons, and did not punish them in proportion to their Crimes, and that Corruption increased, till it brought Destruction on the Nation, and ended in the taking of the Ark and the slaughter of the Priests: The Young Men *Hophni* and *Phinehas* did very wickedly, but yet their Sins were not the immediate Cause of the Punishment, it is imputed to the Negligence of their Father, who was the chief Magistrate, and should have corrected them. So we learn from *1 Sam. Chap. 3. 13. I will judge his House for ever, for the Iniquity which he knoweth, because his Sons made themselves Vile and he restrained them not.* Here the Stress is laid on their Father's not restraining them, and good reason for it: If in the beginning they had been restrained by due and effectual Chastisement, the Evil had gone no farther; but the Magistrates Lenity towards them encouraged Corruption and occasioned an universal Impurity and Irreligion; insomuch that the very House of GOD was defiled with their Uncleanness, *1 Sam. 2. 22. They lay with the Women assembled at the Door of the Tabernacle of the Congregation.* And Verse 17. *Men abhorred the Offering of the LORD,* a general neglect of the Service of GOD ensued. These are the fatal Effects of an easie, indulgent, or negligent Ruler.

XIV. But here it may be asked, is there nothing left to the discretion of Magistrates, is there no place for lenity and mercy? I answer there is; but men are so apt to be Remiss, where they should not, that there is no great danger of their offending by severity, and therefore there is the less need to instance the cases, where indulgence is allowed; for our inclinations as well as reason will be sufficient to discover to us, when we are to use this Virtue: Every own knows that the designs of punishment are chiefly

ly the reformation of the guilty, and deterring others from the like sins: And in cases where the Magistrate is satisfied that the Offender has truly repented, and the example can have no ill influence on others; as where the crime is private, and known only to himself, or to a few, that are in no danger of being infected by it; in those cases there may be room for connivance; but where he has not reason to believe, that these ends of punishment are secured, he is not at liberty to forbear it: and he ought to remember, that a small Correction seasonably inflicted on a young and tender Sinner, may effectually reform him; but if he escape the first time, he is hardened and encouraged to proceed in his Wickedness; And after he has done a great deal of Mischief; and seduced a number of Accomplices to assist him in his Crimes, the Magistrate is forced to cut him off, and so he is lost to himself and to the publick, and leaves a Seed of Evil-doers to run the same course of Destruction, that he did before them.

XV. And this brings me to the *second* thing, That *one great reason why Wickedness abounds, is the Magistrates suffering it to go unpunished.* This is the very assertion of my Text, and therefore I shall not go about to prove it. The word of God assures us, that *because sentence against an evil work is not executed speedily, therefore the heart of the sons of men is fully set in them to do evil.* When a thing is plain in Scripture, I reckon that we ought not to be solicitous for any other arguments to support it; for among all that profess our holy Religion, the authority of the Bible ought to be supreme: and to think it necessary to add any reasons to confirm what we are taught there, were to fail of the deference we ought to pay to it's veracity. Tho' therefore both reason and experience demonstrate the truth of this, I shall leave it on the credit of my Text, and suppose you are satisfied of the truth of it, because God has said it.

XVI. Let me only observe *first*, that tho' the matter in fact be as my Text represent it, yet it proceeds from the weakness and ignorance of men, that impunity of crimes encourages us to commit them; for if we were govern'd by reason, it would not be so, there is no manner of sense or consequence in this deduction. Such a man is an impious profligate wretch, and yet has lived
many

many years in health and safety, why may not I do the like and escape? Before we venture on such a practice, we ought to consider, that there may be, and that there are good reasons, that may prevail with God to delay a man's punishment, and yet he be never the safer, nor we in less danger by imitating him: tho' we don't see Wickedness immediately punished, yet we are sure it shall not finally escape; tho' vengeance is delay'd, yet it is not extinguish'd; and they little consider the weight of God's anger, that think his sentence is not speedily enough executed. This I take to be the sense of the two next verses to my Text, *Tho' a Sinner do evil an hundred times, and his days be prolonged, yet surely I know it shall be well with them that fear God, but it shall not be well with the wicked.* Because this sentence is not speedily executed, because for some little space of time it seems to be well with a Sinner that has transgressed an hundred times, *therefore the heart of the sons of men are fully set in them to do evil*; and therefore they encourage themselves in mischief. But alas, if we consider things right, how short is that respite that the most fortunate offender can expect? Suppose he should escape the execution an hundred years, yet what is that to eternity? We think it not much, that a few days are granted between the passing of Sentence on a Malefactor and his Execution; nay we desire and expect it should be so; and shall we wonder that God allows some time between the Sinners Transgressing, his Tryal, Sentence and Execution? Let us remember how dreadful the divine judgment is, and then we must see, that there is great reason why God should not suddenly inflict it.

XVII. *Secondly.* We quite mistake the design of God in deferring the execution of his Sentence against Sinners: The intent of his doing so is not to encourage others to commit the like crimes, but to bring the guilty to repentance at least to render them inexcusable, if they persevere in their sins. An *evil work* is often the effect of passion and inadvertency, and God who knows our weakness and frailty, is unwilling to surprise us, and therefore gives us time to recollect our selves and amend; for if he should be *extreme to mark what is done amiss, who could abide it? The Spirits he has made would fail before him*: but for us to conclude from God's patience and forbearance, that there is no punishment for wickedness, that he

has

has forgot and will never mind, is not only extremely wicked, but very foolish; it is to abuse the mercy and goodness of God, and whoever sets his *heart fully on evil* for this reason, not only deserves a speedy punishment, but may be assured that he will meet with one, that if it be not sudden, will yet more than balance the slowness by the severity.

XVIII. But 3^{dly}. Tho' God does often thus extend his Grace and favour to Sinners, tho' he hold his hand and do not *speedily execute* his *Sentence* against an *evil work*, yet this is no warrant to the *Magistrate* to do so. The reasons are obvious, God is the supreme Lord of Life and Death, all Power and Authority is originally in him and therefore he is absolutely Lord of his own actions; he may kill or make alive, he may execute his *Sentence speedily*, or extend mercy to the guilty: He knows how to prevent the effects of ill examples, and is able to do it; He knows when forbearance may influence a Sinner to repentance, and can make even the greatest Sins subservient to the ends of his providence. He can bring good out of evil, and we are sure the wicked cannot finally escape his hands. Death that exempts us from humane power, conveys us immediately into the hands of God, therefore it is not strange that he sometimes suffers Criminals to grow old in sins, and go to the grave in peace, for they are still within his reach, and he will execute his vengeance in the most proper season for his own glory and the good of the world. But the *Magistrate* is only a subordinate Minister, whom God has trusted with the Sword, and made his Substitute to distribute Justice, and therefore he is to do it, not as his own inclination or judgment would direct him, but as God has appointed him, he is no Master of God's favour or mercy, but is accountable for his Actions, and therefore must regard nothing but the Law, and be blind to every thing else. His Commission is to *execute* that against every *evil work*, and if he do it not *speedily*, he betrays his trust. If wickedness abound through his remissness, if the heart of men be thereby encouraged to proceed in *evil*, the guilt thereof lies at his door, and ~~and~~ he must answer for it, he has only the present time to perform his duty in, and has no security, if he delay it now, that he shall find another opportunity to execute it. No *Magistrate* knows how long

long he shall live, and most are certain that they shall enjoy their power but a determinate time; and if they slip the present opportunity, and their negligence should occasion a general corruption, when it is out of their power to prevent or amend it, it could not fail to create in them many tormenting reflections, and a perpetual trouble of mind, when they consider that it arises from them, and will be imputed to them. They know not who their successors will be, or whether they will be able or willing to suppress Vice, and they may reasonably expect that their example will influence those that come after them, who will have their Predecessors Precedents to allege in Justification of their Remissness. And if they should be able to conquer the Power of Example, and prove more zealous for GOD than those that went before them, yet their attempts for Reformation would be much more difficult, and they much more at a loss how to go about it. Sinners will become hardened, Vices will multiply and grow strong, and perhaps too powerful and universal for the Magistrate to root out. These and many other Considerations, lay a mighty Obligation on all in Power to be diligent, and not to lose the time and opportunity that GOD has put into their Hands, to execute the Trust he has reposed in them; and thereby approve themselves faithful Servants to the LORD their Master.

XIX. 'Tis true, as I observed before, that it argues Folly and want of Thought in those that take occasion, from the delay of Justice, to set themselves to do Evil; but we must know that this will be the consequence, and woe to him that layeth the stumbling Block in their way, this is an Offence and Snare; and tho' he be a Fool that is caught in it, yet that does not excuse the wickedness of those that lay it.

XX. I know very well this is a hard Doctrine and will grate on many: I have already owned it to be contrary to the Humours and Inclinations of most Men: And this makes my *third Head* seasonable, which is to lay before you the *Obstacles and Excuses that hinder the effectual and speedy punishment of Crimes by the Magistrates*: And to shew by what means they may in some measure be removed or prevented.

The *first Obstacle* that deserves our consideration is the imperfection of human Laws, which can't so much, as take notice of the greatest of Crimes. It is certain that the Vices of the Mind are the most odious to GOD, and in truth outward Actions of themselves, considered as such, can hardly be called Sins, for it is only as they proceed from an ill mind that they are criminal. So *Matth. 15. 11.* *Not that which goeth into the Mouth defileth a Man, but that which cometh out of the Mouth: Because in the 18th Verse, those things which proceed out of the Mouth, come forth from the Heart, and they defile the Man.* Thus Murther is one of the greatest of Sins, yet where it does not proceed from the Heart or Mind, to *Kill* is no sin at all, but a great Misfortune; but humane Laws can reach no farther than the outward Actions; and leave us to guess what passeth in the Minds of those, that commit them: Now it may happen, that a Man may fall into a most wicked Act, and yet have less of malice or wickedness in his Heart, then he that never committed any thing like it. Hence *Magistrates* are at a loss, how to discover the true Merits of Malefactors; and this becomes an insuperable Defect in all humane Laws, and prevents the effectual and *speedy* Execution of such a *Sentence*, as Crimes do in themselves deserve. However we are to judge the Intention by the Action, and punish every work in proportion to the dishonour it brings to God, and the mischief it doth to the Commonwealth. For to delay Sentence against a wicked Work, on a Supposition that the Intention was not so malicious, as the outward Act imports, is to assume a Judgment that does not belong to us, and of which humane Judicature can have but a very imperfect Cognizance.

Secondly, Humane Laws were chiefly made with a prospect to our immediate advantage and security in this Life, and if we can by them secure our Lives, Liberty, and Property, we are apt to sit down satisfied and desire no more from them. The promotion of God's honour, the advancement of Vertue and Religion do not seem so immediately to refer to the publick welfare, as the Laws that concern our temporal interests, tho' really in themselves they are as necessary to it. And therefore it is a hard matter either to prevail with the Law-givers to enact proper Laws relating to them,
or

or with the Magistrates to be zealous in the execution of such Laws when made.

This then is a *second Defect* in all humane Laws, that as they are made, so they must be executed by men. And considering the Passions, Weakness, and Partiality, that are almost inseparable from humane nature; 'tis difficult for the Law-givers to find out proper Methods to suppress these sorts of Sins, or to secure a just and perfect execution of the Laws they have enacted against them. One can hardly contrive to make it so much the interest of the Magistrate to put them in execution, as is requisite to oblige him to sufficient Diligence. Suppose those Laws enforced by Rewards or Punishments, in order to constrain such as have the executive Power to use it to the utmost extent. Yet by whom shall they be distributed, or who shall oblige the Magistrate to do his duty, as the Law requires it? This seems an infeasible Task, and therefore the Magistrate is in most cases left to his private Conscience, and if that will not force him to be Zealous, he may for all that humane Laws can do, be safely negligent. Hence it is that we commonly say, That *Magistracy* best shews what a Man is, and discovers in earnest, as well the fence that he has of his Duty to GOD, as his ability to perform it.

XXI. Irreligion, Prophaneness and and Blasphemy hurt the Publick, as much as Stealing or Robbery; but inasmuch as they don't concern any Man's private Interest, none in particular are engaged to prosecute the Guilty; and what is every Mans business, according to the common saying, proves no bodies. If a Man take away my good Name by slandering me, if he invade my Property, or assault my Person, I find my self obliged in my own Defence to call him to account for it: But tho' he Blaspheme, Swear, be Drunk or Lewd, yet I suffer nothing in particular by it: And it must be only my concern for the Publick, that can put me on prosecuting such an Offender. But all the World is sensible, what a great difference there is between the force of Zeal for the publick, and for a Man's private advantage; and that the latter with the generality of Men is a Principle much more powerful. Only those that are truly good, have Zeal enough to be at trouble and charges to serve Religion and the Publick, whereas all

are ready to justify themselves and to defend their Lives, Liberty, Fame and Property.

XXII. Hence it comes to pass, that we have multiplicity of laws to secure our private Interests, but very few, (and those very defective) to secure the publick concerns of Religion and Holiness: And the first are executed with Zeal and Eagerness, whereas the latter are soon neglected, and at last grow obsolete. This is an Inconveniency that humane Laws can hardly prevent, since they can't make those that are to execute them to be truly conscientious, or oblige them by any sufficient Penalty or Reward to be as zealous for the publick Good, as Men are naturally for their Private. And since they can neither make those Good, whom they vest with Power, nor secure that Power in the Hands of those that GOD has made Good, It sufficiently appears that such Laws as are made in favour of Religion and the publick Good, are like to be but imperfectly Executed: And that this Imperfection must in many Instances hinder *Sentence against an evil Work*, from being speedily past or executed.

Nor do I see any remedy against this defect to be hoped for, besides a diligent Care in the choice of Magistrates. If we put the execution of our Laws into the Hands of such, as have a true sense of their Duty and Religion, and are furnished with a sufficient stock of Wisdom and Prudence, we may expect that they will be constantly and impartially executed by such Officers: But if the Ministers of Justice are wanting in these, no humane Foresight or Caution can bind them so, but that they will find ways, in whole or in part, to evade all Laws, that can be made to oblige them.

XXIII, But *Thirdly*, Suppose the Law Clear, and the Magistrate Zealous, yet is it with a great deal of Difficulty that he must put it in Execution. Every one is sensible, what great Cost and Trouble attend the bringing Malefactors to punishment before humane Tribunals, and that it is impossible to avoid them. A Man is prosecuted for *Swearing, Drunkenness, Adultery*, or any other publick Crimes, this is not to be done without seeing *Lawyers*, paying *Attorneys, Clerks, Proctors, Advocates*, all which is a vast Charge. And after all, the Criminal has liberty to flee from Court to Court, and so perhaps the Prosecution may amount to

to Hundreds; and who to bring a Criminal to due Punishment will, or indeed can, be at such Expences? this seems to be a peculiar Grievance and Defect in our Laws; and in truth, generally speaking, makes them all ineffectual, where the private Advantage of some particular Persons are not immediately concerned: Nor do I see any Remedy for it, except conscientious Persons in the several Professions and Offices, thro' which these Tryals must pass, will put to their helping Hands, and make an Offering of their Services to GOD, in prosecuting *gratis* those that are declared Enemies to Him and the Publick. Their Labours and Time thus laid out for the glory of GOD, and the general Benefit of Mankind, must be looked on as a most acceptable Sacrifice, and equivalent to as much expended in Charity, as the value of the like Time and Pains amounts to, when spent in other Cases; and may be a means to secure them a Blessing on all their Endeavours for their private Advantage.

XXIV. The 2^d Obstacle that hinders the effectual and speedy execution of Justice, is the *odium* that those incur who are active in procuring it. There is a wicked Opinion almost universal in the World, that makes the Instruments of Punishment infamous; an *Informer* is a hated name, and he that is forward to appear even as an Evidence against the Guilty, runs the hazard of being censured as a Busy-Body, insomuch that a Person zealous for the Glory of GOD, and the Interest of Holiness, if he endeavour to punish a Malefactor, must not only spend his Time and Mony, but likewise expect to be reproached for it by his Neighbours, and after all, if the nicest and exactest Punctilio's of Courts be not observed, which is very hard to do, 'tisten to one but he is baffled, and is liable to the Revenge of those he prosecuted: this is an Obvious and a great Evil. and it concerns us all to remove it; those in Authority and great Stations in the World ought more especially to give their Assistance, and support the Judges in their Courts, the Magistrates in their Proceedings, and all Persons concern'd in the Prosecution.

XXV. When *Tyrants* govern'd the World, Flatterers and Sy-cophants crept into their Courts, and by private Whispers and false Accusations ruined the Reputations of the Innocent, and exposed

posed their Lives to the arbitrary Fury of those cruel Princes. 'Twas then that *Delators* and *Informers* became odious, and the prejudice against them has descended to our Ages, but surely without cause; for the Prosecutors of publick Crimes have nothing like that which made the ancient *Informers* odious; they don't insinuate Falshoods against good Men, which without farther tryal cost them their Lives; on the contrary they are publick Witnesses of the Truth, and have no Interest or Advantage of their own to expect by the Discovery: Their endeavours to suppress Wickedness tend to the reformation of all, but to the ruine of none.

XXVI. We must observe that our *Laws* both *Ecclesiastical* and *Civil* prescribe a method for the detecting of Crimes by appointing *Informers* on Oath to present Malefactors: this is the intent of *Grand Jurys* and *Church-Wardens*; the very use of such, and the Charge given them, import an Obligation to enquire into all Crimes, and accuse the Guilty; but then this doth not conclude any: All that is meant by the *Presentments* of either, is no more but that there are such Probabilities that the Accused is guilty, that those sworn *Inquisitors* think it reasonable that he should be brought to a publick Tryal; and if those Grand Jurys or Judges when they are informed that Persons are suspected, and that there are several that can prove the Facts against them, had Power to call those Witnesses before them, and examine them concerning their Knowledge, many Crimes might then be detected that now are stifled.

Observe then how generally speaking the Case stands, no Man can be so much as called in question, before a Grand Jury or Church-Wardens have presented him; and it can't be expected that those should present any when by their own personal Knowledge, or the Oath of some Witness they have not some Assurance † that the accused

† 'Tis true by the Canons Ministers may present where they come to cognizance of Crimes, and by the Ecclesiastical Laws, the Judge may proceed Ex Officio mero without presentment either from Ministers or Church-Wardens; but that practice has been much discouraged of late, to the great security of the Guilty; and tho' the whole Town talk and complain of a Person's notorious Wickedness, yet he is in little danger of being prosecuted, while the Church-Wardens either will not or do not present him.

accused is Criminal ; for till a Bill be found, they have no Power to call any to give Evidence, and they cannot find it, if none offer himself as a Witness ; and the Consequence is, that the generality of Crimes must escape unpunished ; for how should they come to be tryed, if the Jury or Church-Wardens don't present them? and how can they present them without Evidence? and how can they have Evidence, if none that know the Facts do voluntary offer themselves? You see then how the whole Execution of the Law (as matters now stand) depends on the voluntary coming in of Witnesses to prosecute Malefactors.

XXVII. And tho' the case be much the same in *Murthers, Thefts, Assaults* and *Trespasses*, yet the Mischief here is not so great, because in these Cases (as I observed before) there are some particular Persons injured, and the World does not condemn them for complaining in such Cases, and endeavouring to bring their Adversaries to Justice. But in Crimes against God, Religion, or the Publick, such as *Drunkenness, Blasphemy, Swearing, Lewdness, Profanation of the time consecrated to the Service of God*, and other Crimes of the like nature; because Men are not hurt by them in their private Interest, they do not think themselves obliged to inform against them, nor are they censured for neglecting it, and so the *Hearts of Men are fully set in them to do these Evils*, because they are almost assured to escape the punishment for them; so that only a few out of zeal to God, Religion or the Publick good do concern themselves to bring such Malefactors to Justice. And since there can hardly be conceived any other motive to prosecute them; therefore in all reason, such as engage to do it, ought to be encouraged, applauded and supported. *Lewd Women, Panders, Cheats, Adulterers, Swearers and Blasphemers* are the only Persons that have reason to be angry with them. Now these are the *Pests* of a Common-Wealth, and assuredly all good Men ought to be thankful to such as apply themselves to remove these Nuisances: and when we find that any do rail at them, and make it their business to decry them, we have reason to suspect, that it is consciousness of Guilt that puts them on doing so, that they are afraid of being discover'd, and therefore are desirous to extinguish the Light least it should detect them.

XXVII. I suppose you are apprised, that certain Persons have of late associated themselves to carry on this good Work, and have made some progress towards a Reformation: And if all good Men would appear in the behalf of these, I mean to encourage and countenance those that are engaged in it, I perswade my self, much might be done to prevent that Inundation of Vice and Sin, which are like to drown us.

I know it is objected, that several innocent Persons have by this means been called into Question, and suffered in their Reputation, and that the rash Zeal or Malice of the Prosecutors, have occasioned several Irregularities; I very much doubt the matter of Fact; But allow it to be so, where one has suffered without Cause thus, ten have been exposed to Prosecution by private Malice, and on account of pretended Injuries to particular Persons, who in their own Causes by our Laws are allowed to be Informers and Witnesses: Shall we therefore stop all private Persons from endeavouring to do themselves Right, by bringing their causes of Complaint before the Judges? no certainly, this is unreasonable, and if it be so, why should it be thought necessary to discourage those, that out of Zeal to GOD or to the Publick, have prosecuted ill men, or on that account to brand them with Infamy, because some have by mistake brought one or two to trouble?

XXVIII. Neither Judges nor Juries pretend to be Infallible: Every day some do suffer wrongfully by them, and others do escape their hands, tho' they deserve Punishment, and yet we should be in a miserable Case if we wanted them. In truth, there would be no living in the World, no security without them.

We surely are obliged to all Men, that out of love to Virtue and Holiness prosecute such, as they think Enemies to both. Can it be imagined, that Persons of so publick a Spirit should design Injury to any? 'Tis manifest they have no private Interests to byass them, they gain nothing by the Prosecution; and it is ten times more likely that a Man concerned in point of Profit or Revenge to prosecute his Neighbour: that alleges he is wronged and seeks Reparation by his Complaint, should do Injustice and accuse falsely, than such.

XXIX. We

XXX. We must either encourage some to undertake this ungrateful Task, or Wickedness will abound, and such a Deluge of Vice will overflow us, as will bring down the Judgments of GOD upon us, nay overthrow Society, and fill the World with Confusion; the principles of Honesty and Piety will be lost, and where that happens in any Nation, to be sure, its Destruction is nigh.

And thus I have shewed you, how great a hindrance this *Prejudice* against the *Prosecutors of Wickedness* is, to the passing or executing a *Sentence* against an evil Work; and I hope I have satisfied you how unreasonable it is.

XXXI. I now proceed to a *third Obstacle*, and that is the violence, multitude, and combination of the Guilty to secure themselves from Punishment. The Wicked are a great Party and Faction, and they are linked together by their Crimes. Observe the Description David gives of them, *Psalms 64. 2. They whet their Tongue like a Sword, and bend their Bow to shoot their Arrows, even bitter Words. Verse 5. They encourage themselves in an evil Matter, they commune of laying Snares privily, they say who shall see them.* No sooner one of them is attacked, but all are in a Mutiny, and meditate Revenge not only against the Prosecutor, but against the Judges also.

XXXII. The publick places of meeting, (lately set up amongst us) make communication of every thing easy, and Printing carries it to the greatest distance: Now these Offenders have little else to do, but to run from one publick Place to another, and there tell lies and vent Slanders against all, that dare attempt to call them to account for their Wickedness: 'Tis one part of their Art and Industry to represent their own Case falsely, and their Judges maliciously; and very often they don't stop there, but publish their Misrepresentations in Print, and spread them through the Kingdom; all their Party (which is great,) are glad of the Opportunity to Revenge themselves; they industriously hand about the Falshood and vouch them for Truths: This is a new way of doing themselves Justice, (as they *Phrase* it,) and by it they think to deter both those that dare promote a Prosecution against them, and those that pass Sentence on them.

I will only put you in mind, that this is a method which no honest Man can ever allow himself to take, for it will serve all Causes good or Bad equally ; because it is to appeal to the World, who in these Cases neither can examine the merits of the Cause, be apprized of it, nor judge or reverse the Sentence : And therefore such a Proceeding can be designed for no other purpose, but to be revenged on such, as have been the Instruments of punishing their Crimes, and I know no better Remedy against their Malice, than to receive it as a Principle, that whoever takes this course is a *hardned Sinner*, unworthy of Credit or Regard : And it concerns all Men, even in point of Interest, especially such as wish well to Virtue or Justice, to enter into a Society to oppose and suppress such Workers of Iniquity. Shall it be lawful for such to associate themselves to propagate and defend Vice ? And shall it be unlawful for the Good, to oppose themselves in a Body, to the Combinations of the Ungodly ?

XXXIII. The 4th Obstacle to the execution of *sentence against an evil work*, is the tender and compassionate nature of good men, which together with their modesty and humility are great hindrances to this good work ; none, that are not zealous for goodness and piety, will think themselves obliged to undertake, and go through with it in all cases ; and it is a work very contrary to their temper, as already is hinted : for those that are truly good are generally quiet and modest, they are conscious of their own imperfections and failings, and find it so difficult to Reform Themselves, that they have little time to look abroad ; they consider likewise that they are in the flesh, and may also be tempted, and are in continual fear lest they should fall ; and if they should (as who is secure) what a shame and vexation should it be to them to be catch'd in the same crimes, for which they prosecuted their neighbours ?

But I answer, that this ought to make them look more strictly to their own steps, but is no reason to abate their Zeal for the Conversion of others. They ought to remember, that any one Vice or Sin is enough to condemn them, and to let false Modesty, Lenity or Compassion make them to connive at the profanation of GOD's Name, or any other publick Wickedness, is a great Vice,
and

and it is as truly criminal to yield to these Passions against Reason, as to those of Lust or Anger. Let us remember that Sins of Omission are the greatest grounds of our Condemnation; so *Matth. 25. 41. Depart from me ye Cursed into Everlasting Fire; — for I was an Hungred and ye gave me no Meat, I was Thirsty and ye gave me no Drink, I was a Stranger and ye took me not in, Naked and ye clothed me not, Sick and in Prison and ye visited me not.* Here all the Reasons of sending Men to Hell are the Sins of Omission; Let no Man therefore imagine that he shall escape, because he doth not ill himself, his Neglects and Omissions will be imputed to him as well as his active Transgressions. He that doth not hinder *Cursings, Blasphemies*, and other evil Works when he may, is answerable to GOD as well as he that commits them, nor is the fear of our own falling into them any just Excuse for our letting them escape Punishment in others, for this were to make one Sin a reason for many; and we ought to consider that our being active in punishing others, may be a means to preserve our selves: For in truth our Shame would be the greater, if we should transgress, and the fear of Shame is a great preservative against Evil, but however it happens, we ought to deny our selves, and submit to the shame that accompanies Sin, if we should be guilty of it, and by no means to sin at present by omitting our Duty for fear we should fall into future Evil.

XXXIV. The last Obstacle that I shall observe arises from the ill choice of the inferior Ministers of Justice; such are *Constables, Church-Wardens* and *Inquisitors*, these are Employments that are either not so honourable, or not so easy as to invite Men of figure to undertake them: And there is a Generation of Men that live by the common Vices of their Neighbours, and have an Interest to wink at (if not to encourage) them: And it is observable, that these are most willing to undertake the places that oblige the Persons employed in them to present and bring to Justice Malefactors; They find their Profit in these Employments, and therefore do sometimes seek them. And wherever any with this Byass gets into these Offices, to be sure, his Business will be to cover, not punish the Sins he lives by; and therefore great Care ought to be taken in the choice of such, for very much depends on them:

If

If they be not zealous for GOD's Glory, if they be not Men fearing GOD, and hating Covetousness, no good progress towards a Reformation can be expected, for the execution of Justice begins with them, and if the first step be wrong, the whole course is stopt, and no sentence against evil Works can be duly executed. It were therefore to be wished, that more than ordinary Circumspection were employed in the choice, and that Persons of figure and uprightness would for the honour of God, and the Publick good, be prevailed upon to accept of those Stations, and not think themselves too good to officiate in Places, that are of so great Moment.

XXXVI. I have now gone through what I proposed, I have shewed you that it is the duty of *Magistrates* of all stations to punish Sin. I have laid before you in some measure the *Mischiefs*, that arise from Impunity, together with the Obstacles that lie in the way, and hinder the effectual and speedy execution of Justice; and I have given you some hints of my Thoughts, how they may be removed, which I hope you will improve, and supply where they are defective. I should have added some exhortations to stir you up to diligence, but I'm afraid I have already wearied your patience, and therefore I shall leave the whole with you, and shall add no more, but my hearty prayers, that God would be pleased to inspire you with courage and zeal, to strengthen your hands, and to warm your hearts, and that you may in all things so manage your selves, that you may effectually promote the Glory of God here, and secure your own Salvation hereafter.

F I N I S.

